

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

COBB VETERINARY CLINIC, PC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 7:17-cv-00093
§
THE HARTFORD INSURANCE §
COMPANY, §
Defendant §

NOTICE OF REMOVAL

Defendant erroneously misnamed as "The Hartford Insurance Company" and more accurately named Sentinel Insurance Company, Ltd. (hereinafter "Defendant")¹ files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On March 27, 2017, Plaintiff Cobb Veterinary Clinic, PC ("Plaintiff") filed its Original Petition (the "Petition") in Cause Number CV53231, in the 441st District Court of Midland County, Texas. Defendant was served on April 28, 2017. Defendant filed its answer in the State Court on May 9, 2017.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff's petition is attached as Exhibit C; (iv) a copy of Defendant's

¹ "The Hartford" is a trademark for a group of insurance companies, including Sentinel Insurance Company, Ltd. Sentinel Insurance Company, Ltd. issued the policy on which Plaintiff's claims are based. See Exhibit G.

answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is attached as Exhibit E; (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F; and (vii) a copy of the insurance policy on which Plaintiff's claims are based is attached hereto as Exhibit G.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The claims asserted against Defendant are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because Plaintiff is a domestic professional corporation with its principal place of business in the State of Texas. "The Hartford" is a tradename for a group of insurance companies, including Sentinel Insurance Company, Ltd. ("Sentinel"), which issued the policy on which Plaintiff's claims are based. *See Exhibit G.* Defendant was, at the time this action was commenced, and still is, a citizen of the State of Connecticut because it is incorporated under the laws of the State of Connecticut and has its principal place of business in Connecticut.

6. The amount in controversy exceeds \$75,000 based on Plaintiff's state court Petition. *See Exhibit C at Sec. I, ¶1; VI, ¶ 58.*

7. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

8. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Brittan L. Buchanan
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2017, a true and complete copy of the above and foregoing instrument has been served via electronic mail on Plaintiff's counsel of record as follows:

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/s/ Brittan L. Buchanan

Brittan L. Buchanan